IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR No.2988 OF 2007

DATE OF DECISION: 29.5.2007

Harkewal Singh ...Petitioner

VERSUS

The New Punjab Investment and Land Co. (P) Ltd. ...RESPONDENT

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Arun Bakshi, Advocate for the petitioner

Permod Kohli (Oral)

Since the question relates to summoning of only one witness, I deem it appropriate to dispose of this revision petition at the motion stage, itself.

This revision petition is directed against the order dated 4.5.2007 passed by the Civil Judge (Jr.Division), Jalandhar closing the evidence of the defendant/petitioner. The trial court has observed that as many as seventeen opportunities were allowed to

the defendant to lead evidence, but he has failed to conclude the evidence. It has been brought to the notice of this Court that the defendant/petitioner had made an application dated 29.4.2006 for summoning the Clerk of the D.T.O. Office, Hoshiarpur and also deposited the diet expenses for the said witness on 17.5.2006. The Original deposit receipt is also on record. There is no mention in the impugned order about the summoning of this witness whose diet expenses have already been deposited.

Without going into the merits of the order and in the interest of justice, I grant one opportunity to the petitioner for evidence of the said witness whose diet expenses have been deposited. The trial court will issue summons for the appearance of the said witness and the petitioner shall also accompany the process server and ensure service of the summons on the said witness. If the said witness appears, the trial court will examine the said witness. If the said witness fails to appear, the trial court may have to adopt other alternative method, in accordance with law, for securing the attendance of the witness. If the petitioner fails to accompany process server, the right to produce the said witness shall also stand closed.

Disposed of.

(PERMOD KOHLI)
JUDGE

29.5.2007
MFK

NOTE:Whether to be referred to the Reporter or not:YES/NO